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EXAMINER
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NGUYEN, PHUONGCHAU BA

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2616

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application Number: 09/977,578  
Filing Date: October 15, 2001  
Appellant(s): HAMALAINEN ET AL.

**MAILED**  
JUN 29 2007  
**GROUP 2600**

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For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2-14-07 appealing from the Office action mailed 12-14-2004.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0198012	Vukovic	06-2001
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2002/0187784	Tigerstedt	06-2001
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The admitted prior art in this application's Description of Related Art, pages 1-3 and figures 2 and 5.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

*Claim Rejections – 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject

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matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 6, 11, 12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior in view Vukovic (US2002/0198012).

**Regarding claim 1,**

The admitted prior art discloses in a compressed mode of a mobile CDMA communication network, in which the transmission and reception in mobile terminal are halted or ceased for a short time, in order to perform the measurements on the other frequencies, see page 2, lines 10-14 (corresponding to *a method of implementing a compressed mode of operation in a mobile communication network in which data*

*transmission and reception in user equipment is ceased so a required measurement can be made).*

The admitted prior art does not disclose expressly (1) *characterized in that the power level of data transmission in the user equipment is adjusted to a correct power level before a subsequent data transmission is sent.*

Vukovic (US2002/0198012) discloses Method and Apparatus for Allocating Communication Resource in a Broadband Communication System. In Vukovic, a mobile station MS 302-fig.3 adjusts a power level (assuming to a correct power level) of each access request of the series of access request until receiving an "ACK" or a "NAK" back from the base station 306-fig.3 for transmission of a message. In other words, the MS 302-fig.3 adjusts the power level of each access request for each subsequent message's transmission, see page 3, 0021-0023 (corresponding to (1)).

The admitted prior art and Vukovic are analogous art because they are from a similar solving area, controlling the power for transmission of messages between mobile and base stations.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a mechanism of adjusting power of access request from mobile for transmission of messages in Vukovic with the admitted prior art.

The suggestion/motivation for doing so would have been to provide readjusted power level after each halt during the compressed mode of operation for preventing a

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closed-loop power control distortion, thus reducing the frame error rate and block error rate.

Therefore, it would have been obvious to combine Vukovic with the admitted prior art to obtain the invention as specified in claim 1.

**Regarding claim 2,**

The admitted prior art further discloses *that the compressed mode is implemented using a single frame method*, see page 2, lines 19-21.

**Regarding claim 6,**

The admitted prior art discloses all claimed limitations employing the compressed mode of operation *during a handover procedure*, except (1) *the power level of data transmission in the user equipment is adjusted to a correct power level before a subsequent data transmission is sent*.

Vukovic (US2002/0198012) discloses Method and Apparatus for Allocating Communication Resource in a Broadband Communication System. In Vukovic, a mobile station MS 302-fig.3 adjusts a power level (assuming to a correct power level) of each access request of the series of access request until receiving an "ACK" or a "NAK" back from the base station 306-fig.3 for transmission of a message. In other words, the



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MS 302-fig.3 adjusts the power level of each access request for each subsequent message's transmission, see page 3, 0021-0023 (corresponding to (1)).

The admitted prior art and Vukovic are analogous art because they are from a similar solving area, controlling the power for transmission of messages between mobile and base stations.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a mechanism of adjusting power of access request from mobile for transmission of messages in Vukovic with the admitted prior art.

The suggestion/motivation for doing so would have been to provide readjusted power level after each halt during the compressed mode of operation for preventing a closed-loop power control distortion, thus reducing the frame error rate and block error rate.

Therefore, it would have been obvious to combine Vukovic with the admitted prior art to obtain the invention as specified in claim 6.

**Regarding claim 11,**

The admitted prior art discloses in a compressed mode of a mobile CDMA communication network, in which the transmission and reception in mobile terminal (*user equipment*) are halted or ceased for a short time, in order to perform the measurements on the other frequencies by a not-shown module, see page 2, lines 10-

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14 (corresponding to *user equipment for a mobile communication network having a compressed mode module for implementing a compressed mode of operation in which data transmission and reception is ceased so a required measurement can be made*).

The admitted prior art does not disclose expressly (1) *that the user equipment includes an adjust power level module for adjusting the power level of data transmission to a correct power level before a subsequent data transmission is sent*.

Vukovic (US2002/0198012) discloses Method and Apparatus for Allocating Communication Resource in a Broadband Communication System. In Vukovic, a mobile station MS 302-fig.3 comprises a not-shown module for adjusting a power level (assuming to a correct power level) of each access request of the series of access request until receiving an "ACK" or a "NAK" back from the base station 306-fig.3 for transmission of a message. In other words, the MS 302-fig.3 comprises a not-shown module for adjusting the power level of each access request for each subsequent message's transmission, see page 3, 0021-0023 (corresponding to (1)).

The admitted prior art and Vukovic are analogous art because they are from a similar solving area, controlling the power for transmission of messages between mobile and base stations.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a mechanism of adjusting power of access request from mobile for transmission of messages in Vukovic with the admitted prior art.

The suggestion/motivation for doing so would have been to provide readjusted power level after each halt during the compressed mode of operation for preventing a closed-loop power control distortion, thus reducing the frame error rate and block error rate.

Therefore, it would have been obvious to combine Vukovic with the admitted prior art to obtain the invention as specified in claim 11.

**Regarding claim 12,**

The admitted prior art further discloses during a compressed mode the mobile terminal is halted so that a not-shown module in the mobile terminal performs measurements on other frequencies and the compressed mode is implemented a single frame method, see page 2, lines 10-21 (correspond to *that the compressed mode module implements the compressed mode using a single frame method*).

**Regarding claim 16,**

The admitted prior art discloses all claimed limitations at mobile terminal having a not-shown module (*a handover procedure module having the compressed module therein*) for implementing the compressed mode of operation *during a handover procedure*, except (1) *that the user equipment includes an adjust power level module for*

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*adjusting the power level of data transmission to a correct power level before a subsequent data transmission is sent.*

Vukovic (US2002/0198012) discloses Method and Apparatus for Allocating Communication Resource in a Broadband Communication System. In Vukovic, a mobile station MS 302-fig.3 comprises a not-shown module for adjusting a power level (assuming to a correct power level) of each access request of the series of access request until receiving an "ACK" or a "NAK" back from the base station 306-fig.3 for transmission of a message. In other words, the MS 302-fig.3 comprises a not-shown module for adjusting the power level of each access request for each subsequent message's transmission, see page 3, 0021-0023 (corresponding to (1)).

The admitted prior art and Vukovic are analogous art because they are from a similar solving area, controlling the power for transmission of messages between mobile and base stations.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a mechanism of adjusting power of access request from mobile for transmission of messages in Vukovic with the admitted prior art.

The suggestion/motivation for doing so would have been to provide readjusted power level after each halt during the compressed mode of operation for preventing a closed-loop power control distortion, thus reducing the frame error rate and block error rate.

Therefore, it would have been obvious to combine Vukovic with the admitted prior art to obtain the invention as specified in claim 16.

Claims 7-9, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior in view Vukovic (US2002/0198012) as applied to claims 1, 6, 11, 16 above, and further in view of Tigerstedt (US 2002/0187784).

**Regarding claims 7 & 17,**

The modified admitted prior art disclose all claimed limitations except (1) *that the handover procedure is a hard handover.*

However, in the same field of endeavor, Tigerstedt (US 2002/0187784) discloses Method of WCDMA Coverage Based Handover Triggering, in which a hard handover technique is employed in cellular telecommunication systems for mobile station moving between different cells of the WCDMA network, see page 1, 0007 (corresponding to (1)).

The modified admitted prior art and Tigerstedt are analogous art because they are from similar problem solving area, handover in mobile communication systems to keep a connection for a mobile station from being dropped while moving between different cells of the WCDMA network.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the hard handover technique of Tigerstedt with the admitted prior art.

The suggestion/motivation for doing so would have been to prevent a correction for a mobile station from being dropped while moving from one cell to another.

Therefore, it would have been obvious to combine Tigerstedt with the admitted prior art to obtain the invention as specified in claim 7.

**Regarding claims 8 & 18,**

The modified admitted prior art disclose all claimed limitations except *that the handover procedure is (1) an intersystem handover between two wideband code division multiple access networks, (2) a handover between frequency division duplex and time division duplex modes, or (3) a handover between a wideband code division multiple access network and another network such as a GSM network.*

However, in the same field of endeavor, Tigerstedt (US 2002/0187784) discloses Method of WCDMA Coverage Based Handover Triggering, in which a handover between WCDMA 30-fig.1 to GSM-20-fig.1, see page 3, 0040 (corresponding to (3)).

The modified admitted prior art and Tigerstedt are analogous art because they are from similar problem solving area, handover in mobile communication systems with different coverage.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the handover technique of Tigerstedt with the admitted prior art.

The suggestion/motivation for doing so would have been to provide continuing in communication to mobile station when moving from one cell to another in different coverage, e.g. WCDMA, GSM.

Therefore, it would have been obvious to combine Tigerstedt with the modified admitted prior art to obtain the invention as specified in claim 8.

**Regarding claim 9,**

The modified admitted prior art disclose all claimed limitations except (1) *that the measurement is an inter-frequency measurement*.

However, in the same field of endeavor, Tigerstedt (US 2002/0187784) discloses Method of WCDMA Coverage Based Handover Triggering, in which a mobile terminal initiates a search for a new target cell using measurements on other WCDMA frequency (IF-inter frequency) and/or GSM frequency band (IS-inter system), see page 3, 0046 (corresponding to (1)).

The modified admitted prior art and Tigerstedt are analogous art because they are from similar problem solving area, handover in mobile communication systems with different coverage.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the handover technique of Tigerstedt with the modified admitted prior art.

The suggestion/motivation for doing so would have been to provide continuing in communication to mobile station when moving from one cell to another in different coverage, e.g. WCDMA, GSM, and to increase power at mobile station and to avoid degradation of the link.

Therefore, it would have been obvious to combine Tigerstedt with the modified admitted prior art to obtain the invention as specified in claim 9.

**Regarding claim 19,**

The modified admitted prior art discloses all claimed limitations except (1) *that the handover procedure module has a measurement module for making an inter-frequency measurement.*

However, in the same field of endeavor, Tigerstedt (US 2002/0187784) discloses Method of WCDMA Coverage Based Handover Triggering, in which a not-shown module (*a measurement module*) in a mobile terminal is initiating a search for a new target cell using measurements on other WCDMA frequency (IF-inter frequency) and/or GSM frequency band (IS-inter system), see page 3, 0046 (corresponding to (1)).



The modified admitted prior art and Tigerstedt are analogous art because they are from similar problem solving area, handover in mobile communication systems with different coverage.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the handover technique of Tigerstedt with the modified admitted prior art.

The suggestion/motivation for doing so would have been to provide continuing in communication to mobile station when moving from one cell to another in different coverage, e.g. WCDMA, GSM, and to increase power at mobile station and to avoid degradation of the link.

Therefore, it would have been obvious to combine Tigerstedt with the modified admitted prior art to obtain the invention as specified in claim 9.

#### **(10) Response to Argument**

Applicant's arguments filed 2-14-07 have been fully considered but they are not persuasive.

A/. Applicant argued the prior art in combination with Vukovic does not teach or suggest the whole thrust of the claimed invention, which is "to adjust

the power level of data transmission in a compression mode of operation in the user equipment user to a correct power level before a subsequent data transmission is sent (when in this mode)," as claimed herein.

In reply, the limitation of "to adjust the power level of data transmission in a compression mode of operation" is not claimed. The claim merely states "implementing a compression mode of operation" without claiming that the data is transmitted in the compression mode and that the transmission data of the compression mode is ceased.

However, the body of the claimed limitation is "the power level of data transmission in the user equipment is adjusted to a correct power level before a subsequent data transmission is sent"(claim 1) which is taught by Vukovic (US2002/0198012) disclosing Method and Apparatus for Allocating Communication Resource in a Broadband Communication System. In Vukovic, a mobile station MS 302-fig.3 adjusts a power level (assuming to a correct power level) of each access request of the series of access request until receiving an "ACK" or a "NAK" back from the base station 306-fig.3 for transmission of a message. In other words, the MS 302-fig.3 adjusts the power level of each

access request for each subsequent message's transmission, see page 3, 0021-0023.

(11) Related Proceeding(s) Appendix


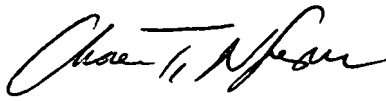
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

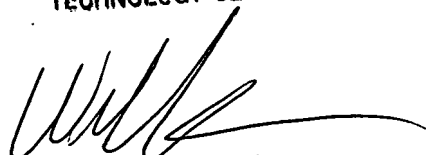
  
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